

## **REMARKS**

This amendment is responsive to the Office Action mailed October 17, 2006 in connection with the above-identified patent application. Claims 1, 10 and 12 have been amended. Claims 2-9 have been cancelled. Pending claims 1, and 10 - 15 are in condition for allowance. No new matter has been added.

### **Claim Rejections – 35 U.S.C. §112**

Claim 10 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. For claim 10, it was unclear whether or not the associated wall is to be claimed in combination with the adapter. Claim 10 has been amended to positively recite the wall as a third wall instead of an associated wall. Thus, the rejection has been overcome by the applicants.

### **Claim Rejections – 35 U.S.C. §102 (b)**

Claims 1-5 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Vollmer (U.S. Patent No. 4,264,013). Vollmer was deemed to teach an adapter (Figure 1) comprising a first wall (11) having circular openings (17) with depressions, a second wall (12) depending normally from an edge of a first end (which is parallel) to the longitudinal axis of the first wall) of the first wall, a third wall (14) extending from the second wall and being parallel to the first wall, a fourth wall (13) depending normally from an edge of a second end (which is parallel to the longitudinal axis of the first wall) of the first wall, and a fifth wall (15) extending from the fourth wall and being parallel to the first wall, wherein, the third and fifth walls include openings (16).

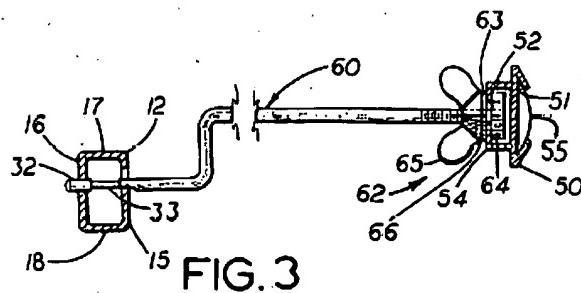
Claim 1 has been amended to recite the limitations found in claims 2-9. Vollmer simply does not teach the limitation of a third wall having an opening with a linear edge or a fifth wall with a notch for mounting the adapter onto a wall. Claims 2-9 have been cancelled. Thus, claim 1 and claims 10 and 11 dependent thereon are considered to be in condition for allowance over the art of record.

Claims 1-5 were also rejected under 35 U.S.C. 102(b) as being anticipated by Fredrickson (U.S. Patent No. 4,606,466). Fredrickson was deemed to teach an adapter

(Figure 1; see Attachment A) comprising: a first wall (A) having "generally" circular openings (20), a second wall (B) depending normally from a first end (which is parallel to the longitudinal axis of the first wall) of the first wall, a third wall (C) extending from the second wall and being parallel to the first wall, a fourth wall (D) depending normally from a second end (which is parallel to the longitudinal axis of the first wall) of the first wall, and a fifth wall (E) extending from the fourth wall and being parallel to the first wall, wherein the third and fifth walls include openings (F).

Claim 1 has been amended to recite that the adapter is formed of a single piece construction. Applicants' specification provides support for this in Paragraph [0017], which states that the pegboard adapter can be formed from a single piece of metal.

With regard to amended claim 1, Applicants respectfully assert that one would not modify the peg support bar 12, which is formed of closed tubing, disclosed in Fredrickson such that it and the clamp 40 are formed of a single piece construction. The Examiner found that Fredrickson discloses a peg bar 12 and a clamp 40 that make up the first wall, the second wall, the third wall, the fourth wall, and the fifth wall recited in Applicants' claims. However, the clamp 40 and the peg bar 12 are not formed from a single piece construction. Moreover, making the bar 12 and the clamp 40 from a single piece construction would destroy the intended function of the clamps which are to "enable loosening and sliding of the brackets on the bar 12 to match the spacing between the shelf holders." (Col. 6, lines 6-9 of Fredrickson). Moreover, making the clamp 40 and the bar 12 from a single piece construction would most likely require that the rear member 16 be removed from the bar 12. See Figure 3 of Fredrickson shown below:



The rear member 16 in Fredrickson's device is integral to bar 12 in that it

includes a back bore that receives toe 32 of the peg. This allows the peg 60 to carry heavy items such as pre-packaged cheese slices and sliced sandwich meat. (Col. 1, lines 18-19 of Fredrickson). Removing rear member 16 would not allow for an opening that receives toe 32 of the peg 14. Accordingly, claim 1 and claims 10 and 11 dependent thereon are in condition over the art of record.

Applicants appreciate that this amendment is being requested after final rejection and therefore the proposed amendments that have been made do not raise new issues that would require further consideration and/or search. Moreover, the amendments do not raise the issue of new matter. Moreover, the amendments are being made in an attempt to place the application into allowance.

Claim Rejections – 35 U.S.C. §103(a)

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Vollmer in view of Ferenzi. Claims 9 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vollmer. Claims 6 and 9 have been cancelled. Claim 11 depends from amended claims 1 and as such is considered to be in condition for allowance.

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fredrickson in view of Ferenzi. Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fredrickson. Claims 6-8 have been cancelled. Claim 11 depends from amended claim 1 and is in condition for allowance.

Claims 12-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vollmer in view of Ferenzi. For claims 14 and 15, Vollmer was acknowledged by the Examiner to fail to teach notches in the fifth wall. Ferenzi was deemed to teach the use of notches (62) in supporting a structure on a wall. The Examiner concluded that it would have been obvious to modify the lower openings of the fifth and third walls, by using notches, such as is taught by Ferenzi, instead of holes therein.

Claim 12 has been amended to recite that the third wall has a mounting opening having an upper, linear edge. Neither Vollmer nor Ferenzi teaches a mounting opening with an upper linear edge. Accordingly, claim 12 and claims 13-15 dependent thereon are in condition for allowance.



## CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. If the Examiner is of the view that all of the pending claims of the application are not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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